

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (03-00)

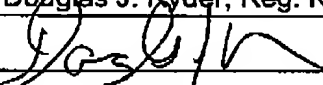
Approved for use through 10/31/2002. OMB 0551-0031

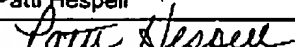
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |                     |
|--|----------------------|------------------------|---------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i><br><b>CUSTOMER NUMBER</b><br><b>27832</b> | Application Number   | 09/205,119             |                     |
|  | Filing Date          | 03 DECEMBER 1998       |                     |
|  | First Named Inventor | ELDERING               |                     |
|  | Group Art Unit       | 2611                   |                     |
|  | Examiner Name        | LONSBERRY, HUNTER B.   |                     |
| Total Number of Pages in This Submission   | 34                   | Attorney Docket Number | T704-00 (8887-3004) |

| ENCLOSURES <i>(check all that apply)</i>   |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i><br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Two Terminal Disclaimers<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| Remarks<br>RCE Transmittal<br>37 CFR 1.28 (c) Notification   |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Expanse Networks, Inc.<br>Douglas J. Ryder, Reg. No. 43,073                         |
| Signature                                  |  |
| Date                                       | June 18, 2004   |

| CERTIFICATE OF TRANSMISSION   |   |      |               |
|---|---|------|---------------|
| I hereby certify that this correspondence with attachments is being transmitted by facsimile to the U.S. Patent and Trademark Office to: Commissioner for Patents, Washington, DC 20231 on this date: _____ |   |      |               |
| Typed or printed name   | Patti Hespell   | Date | June 18, 2004 |
| Signature   |  | Date | June 18, 2004 |

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 757.00**Complete if Known**

|                      |                      |
|----------------------|----------------------|
| Application Number   | 09/205,119           |
| Filing Date          | 03 December 1998     |
| First Named Inventor | ELDERING             |
| Examiner Name        | LONSBERRY, HUNTER B. |
| Art Unit             | 2811                 |
| Attorney Docket No.  | T704-00 (8887.3004)  |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

|                        |                        |
|------------------------|------------------------|
| Deposit Account Number | 601535                 |
| Deposit Account Name   | Expanse Networks, Inc. |

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid         |
|----------------------------|----------------------------|------------------------|------------------|
| 1001 770                   | 2001 385                   | Utility filing fee     | 0.00             |
| 1002 340                   | 2002 170                   | Design filing fee      | 0.00             |
| 1003 530                   | 2003 265                   | Plant filing fee       | 0.00             |
| 1004 770                   | 2004 385                   | Reissue filing fee     | 0.00             |
| 1005 160                   | 2005 80                    | Provisional filing fee | 0.00             |
| <b>SUBTOTAL (1)</b>        |                            |                        | <b>(\$)</b> 0.00 |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 32           | -32** = 0    | 9.00           | 0.00     |
| 8            | -7** = 1     | 43.00          | 43.00    |
|              |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid          |
|----------------------------|----------------------------|--|-------------------|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |                   |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |                   |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |                   |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |                   |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |                   |
| <b>SUBTOTAL (2)</b>        |                            |  | <b>(\$)</b> 43.00 |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

| Large Entity Fee Code (\$)                      | Small Entity Fee Code (\$) | Fee Description  | Fee Paid           |
|---|----------------------------|--|--------------------|
| 1051 130  | 2051 65                    | Surcharge - late filing fee or oath  |                    |
| 1052 50   | 2052 25                    | Surcharge - late provisional filing fee or cover sheet                     |                    |
| 1053 130  | 2053 130                   | Non-English specification  |                    |
| 1812 2,520                                      | 1812 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |                    |
| 1804 920*                                       | 1804 920*                  | Requesting publication of SIR prior to Examiner action                     |                    |
| 1805 1,840*                                     | 1805 1,840*                | Requesting publication of SIR after Examiner action                        |                    |
| 1251 110  | 2251 55                    | Extension for reply within first month                                     |                    |
| 1252 420  | 2252 210                   | Extension for reply within second month                                    | 210.00             |
| 1253 950  | 2253 475                   | Extension for reply within third month                                     |                    |
| 1254 1,480                                      | 2254 740                   | Extension for reply within fourth month                                    |                    |
| 1255 2,010                                      | 2255 1,005                 | Extension for reply within fifth month                                     |                    |
| 1401 330  | 2401 165                   | Notice of Appeal   |                    |
| 1402 330  | 2402 165                   | Filing a brief in support of an appeal                                     |                    |
| 1403 290  | 2403 145                   | Request for oral hearing   |                    |
| 1451 1,510                                      | 1451 1,510                 | Petition to institute a public use proceeding                              |                    |
| 1452 110  | 2452 55                    | Petition to revive - unavoidable   |                    |
| 1453 1,330                                      | 2453 665                   | Petition to revive - unintentional   |                    |
| 1501 1,330                                      | 2501 665                   | Utility issue fee (or reissue)   |                    |
| 1502 480  | 2502 240                   | Design issue fee   |                    |
| 1503 640  | 2503 320                   | Plant issue fee  |                    |
| 1460 130  | 1460 130                   | Petitions to the Commissioner  |                    |
| 1807 50   | 1807 50                    | Processing fee under 37 CFR 1.17(q)  |                    |
| 1808 180  | 1808 180                   | Submission of Information Disclosure Stmt                                  |                    |
| 8021 40   | 8021 40                    | Recording each patent assignment per property (times number of properties) |                    |
| 1809 770  | 2809 385                   | Filing a submission after final rejection (37 CFR 1.129(a))                |                    |
| 1810 770  | 2810 385                   | For each additional invention to be examined (37 CFR 1.129(b))             |                    |
| 1801 770  | 2801 385                   | Request for Continued Examination (RCE)                                    | 385.00             |
| 1802 900  | 1802 900                   | Request for expedited examination of a design application                  |                    |
| Other fee (specify) 37 CFR 128 (c) Notification |                            |  | 119.00             |
| <b>SUBTOTAL (3)</b>                             |                            |  | <b>(\$)</b> 714.00 |

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

(Complete if applicable)

|                   |                  |                                   |               |           |               |
|-------------------|------------------|-----------------------------------|---------------|-----------|---------------|
| Name (Print/Type) | Douglas J. Ryder | Registration No. (Attorney/Agent) | 43,073        | Telephone | (215)766-2100 |
| Signature         |                  | Date                              | June 18, 2004 |           |               |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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6/18/2004 FRI 14:09 FAX 215 766 2920 TPL

001/034

JUN 18 2004

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PTO/SB/97 (08-00)

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on 18-Jun-2004  
Date

  
Signature

Patti Hespell

Typed or printed name of person signing Certificate

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- 1.) Certificate of Transmittal (1 pg)
- 2.) Transmittal (1 pg)
- 3.) Request for RCE Transmittal (1 pg)
- 4.) Fee Transmittal in duplicate (2 pgs)
- 5.) Petition for Extension of Time (1 pg)
- 6.) Preliminary Amendment (26 pgs)
- 7.) 37 CFR 1.28(c) Notification (2 pgs)

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## CERTIFICATE OF MAILING (37 CFR 1.8(A))

PATENT

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Date: June 18, 2004
  
 Patti Hespell

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                               |                  |                         |
|-------------------------------|------------------|-------------------------|
| APPLICATION SERIAL NUMBER     | FILING DATE      | PATENT DKT. NO.         |
| 09/205,119                    | 03 DECEMBER 1998 | T704-00 (8887.3004)     |
| FIRST NAMED INVENTOR          | ART UNIT         |                         |
| ELDERING                      | 2611             |                         |
| TITLE OF INVENTION            |                  | EXAMINER                |
| ADVERTISING MONITORING SYSTEM |                  | LONSBERRY,<br>HUNTER B. |

Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
 AS A SMALL ENTITY (37 CFR 1.28(c))**

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

Pursuant to 37 CFR 1.27(g)(1) once a small entity status has been established in an application, the entity may pay the small entity fees without regard to any change in status until payment of issue fee or any maintenance fee at which time a new determination is required. Since the small entity status was correctly established prior to the license to NLC, there is no need for correction. However, Applicant desires to correct the record so that small entity fees were only paid when Expanse was entitled to such (all periods excluding the term of the license).

Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

37 CFR 1.28(c) Notification

-1-

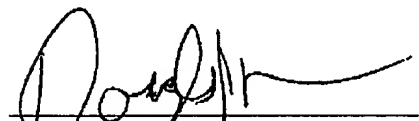
Patent Application No. 09/205,119

The above noted patent application is currently entitled to small entity status.

| Item   | Date       | Small Entity Fee Paid | Current Large Entity Fee | Amount to be Paid |
|--|------------|-----------------------|--------------------------|-------------------|
| Amendment - Additional Claim Fees (8 claims)     | 03/06/2000 | \$72                  | \$144                    | \$72              |
| Amendment - Additional Claim Fees (1 Ind. Claim) | 03/06/2000 | \$39                  | \$86                     | \$47              |
| TOTAL  |            |                       |                          | \$119             |

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,

  
Douglas J. Ryder, Esquire  
Reg. No. 43,073

Date: 6/18/04

Expanse Networks, Inc.  
6206 Kellers Church Road  
Pipersville, PA 18947  
Phone: (215) 766-2100  
Fax: (215) 766-2920